

Exhibit 1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. 2:15-MD-02641 -DGC

**AMENDED SECOND AMENDED
MASTER SHORT FORM COMPLAINT
FOR DAMAGES FOR INDIVIDUAL
CLAIMS AND DEMAND FOR JURY
TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Daniel Barker, as Personal Representative of the Estate of Sherri Hughes

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
consortium claim:

Not applicable

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
conservator):

Daniel Barker, as Personal Representative of the Estate of Sherri Hughes

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
the time of implant:

Oklahoma

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Oklahoma and/or Texas

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Texas

7. District Court and Division in which venue would be proper absent direct filing:

Eastern District of Texas, Beaumont Division; or

Eastern District of Oklahoma, Muskogee Division

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®] Express Vena Cava Filter

☐ G2[®] X Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☒ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☐ Other: _____

11. Date of Implantation as to each product:

On or about June 13, 2013

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence – Design

☒ Count V: Negligence – Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

- ☒ Count X: Breach of Express Warranty
- ☒ Count XI: Breach of Implied Warranty
- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Texas or Oklahoma Law Prohibiting
Consumer Fraud and Unfair and Deceptive Trade Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☒ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts supporting
this Count in the space immediately below)
- _____
- _____
- _____
- _____
- _____

13. Jury Trial demanded for all issues so triable?

- ☒ Yes
- ☐ No

1 RESPECTFULLY SUBMITTED this 10th day of July, 2018

2 **LOPEZ McHUGH LLP**

3 By: /s/Matthew R. Lopez

4 Ramon Rossi Lopez (CA Bar No. 86361)

(admitted *pro hac vice*)

5 Matthew Ramon Lopez (CA Bar No. 263134)

(admitted *pro hac vice*)

6 100 Bayview Circle, Suite 5600

Newport Beach, California 92660

7 *Attorneys for Plaintiffs*